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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 11, 1998

APPLICATION OF

ROBERT A. WINNEY D/B/A  
THE WATERWORKS COMPANY OF  
FRANKLIN COUNTY

CASE NO. PUE970119

For a certificate of public  
convenience and necessity  
authorizing the furnishing  
of water

ORDER GRANTING APPLICATION AND ISSUING CERTIFICATE

Before the Commission is the application of Robert A. Winney d/b/a The Waterworks Company of Franklin County ("Company") for a certificate of public convenience and necessity authorizing the Company to furnish water in the Lakemount, Mallard Point, Overlook, and Starwood subdivisions in Franklin County. In our Interim Order of February 27, 1998, the Commission reviewed the application and history of this proceeding. As discussed in the Interim Order, we deferred granting the application and issuing a certificate until the Company filed maps and a tariff and established a system of accounts. The Commission also prescribed rates and charges effective February 27, 1998, and directed the Company to make refunds.

On August 21, 1998, the Commission Staff moved that the Commission grant the application and issue a certificate of public convenience and necessity, notwithstanding the apparent noncompliance with the Interim Order. In support of the Motion, the Staff maintained that issuance of the certificate was in the public interest. By order of August 24, 1998, the Commission authorized the Company to reply to the Staff motion by September 8, 1998. The Company did not file a response.<sup>1</sup>

Upon consideration of the Staff Motion and the record in this proceeding, including the record developed at the public hearing held November 10, 1997; the Report of Michael D. Thomas, Hearing Examiner, filed January 20, 1998; and subsequent correspondence from the Company, the Commission will grant the application and issue a certificate of public convenience and necessity. We direct the Commission's Division of Energy Regulation to prepare and file appropriate maps showing the service territory boundaries and an appropriate tariff reflecting the findings and rates and charges prescribed in our Interim Order.

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<sup>1</sup> On September 2, 1998, the Clerk of the Commission and the Office of General Counsel received a letter dated August 31, 1998, which referred to the Company and this case. The letter was not signed and it did not include a full name or a return address. The letter made no objection to granting the application and issuing the certificate. While the Commission liberally applies its Rules of Practice and Procedure, especially in situations involving small water companies, it will not consider anonymous correspondence.

In its motion of August 21, 1998, the Staff also addressed a refund to customers paying an availability charge in 1998. The Company's compliance with those Provisions of the Interim Order will be considered in a separate proceeding which we initiate today. Accordingly,

IT IS ORDERED THAT:

(1) The application of Robert A. Winney d/b/a The Waterworks Company of Franklin County for a certificate of public convenience and necessity, granted in part and continued in part by the Interim Order of February 27, 1998, IS GRANTED.

(2) The Commission's Division of Energy Regulation shall forthwith prepare and file a schedule of rates, charges, rules, and regulations conforming to the Interim Order of February 27, 1998, bearing an effective date of February 27, 1998, and reflecting the findings of the Interim Order and the record in this proceeding; the Division of Energy Regulation shall mail a copy of the schedule to the Company.

(3) The Commission's Division of Energy Regulation shall forthwith prepare appropriate maps showing the territory in Franklin County which the Company will serve.

(4) Certificate of public convenience and necessity Number W-291 BE ISSUED TO Robert A. Winney d/b/a The Waterworks of Franklin County authorizing it to furnish water service in those

portions of Franklin County shown on the map attached to, and made a part of, the certificate.

(5) This matter BE DISMISSED and the case closed.